

1 **I. INTRODUCTORY COMMENTS**

2 **Response to Office Action of December 30, 2005**

3 Your applicant now responds to the Examiner's Action of December 30, 2005.  
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27 Certificate of facsimile filing  
28 on January 30, 2006 by Floyd E. Ivey,  
Serial No. 10/669,666  
Floyd E. Ivey, USPTO 35552,

Application No. 10/669,666

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1 **II. Election.**

2 The Examiner has advised that Restriction is required to one of the inventions of  
3 I. Claims 1-9 drawn to a process or II. Claims 10-21 drawn to an apparatus.

4 **ELECTION:** Your applicant elects II. Claims 10-21 drawn to an apparatus with  
5 traverse.

6 The Examiner states, at page 2, that Inventions in Group I and Group II are related  
7 as process and apparatus for its practice. The inventions are distinct if it can be shown  
8 that either: (1) the process as claimed can be practiced by another materially different  
9 apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and  
10 materially different process. (MPEP 806.05(e)). The Examiner concludes that "In this  
11 case the apparatus can be used to practice another and materially different process such as  
12 coal pyrolysis."

13 The Examiner's attention is respectfully drawn to the description of the invention  
14 at the Summary of the Invention, Specification page 2/lines 24-26 stating "The present  
15 invention includes a process for producing charcoal, and secondarily fuel gas, from  
16 **organic material**, in which a charge of charcoal is initially present in a pyrolysis reaction  
17 chamber..."

18 The Examiner is also respectfully referred to the Detailed Description,  
19 Specification page 5/line 30-page6/line 3 stating " In the preferred embodiment  
20 diameter of the reaction chamber (30) is substantially uniform along its length, except for  
21 the uppermost portion or upper layer (13), which may be slightly flared to accommodate a  
22 head of biomass (20) which may be comprised, for example, of fuel pellets, vegetable  
23 matter and other organic matter as will be appreciated by those of ordinary skill in the  
24 art. ..."

25 This invention discloses the pyrolysis of organic material. The Examiner's  
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1 comment that restriction is required because the apparatus could also undertake a  
2 materially different process such as coal pyrolysis. The Examiner is respectfully referred  
3 to the definition of COAL, from MSN Encarta stating in part:

4 "Coal, a combustible organic rock composed primarily of carbon..."

5 The excerpt from MSN Encarta is appended hereto as Exhibit 1-1 through 1-5.

6 Your applicant respectfully submits that the apparatus described produces charcoal and  
7 fuel gases from organic matter and that COAL is organic matter. Your applicant  
8 respectfully requests the Examiner to withdraw the requirement for election and to  
9 proceed with examination of all claims on the merits.

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